

# EXHIBIT “11”

# **INVESTIGATIVE SUMMARY**

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## SCRTB-017-20

**On March 15th, 2020**, at approximately **23:15 p.m.**, a two (2) vehicle collision occurred on Georgia 2 at Georgia 5 in Fannin County. Appropriate law enforcement, rescue, and emergency personnel were dispatched to the collision scene. The collision was reported to have injuries with a two-year-old entrapped possibly not breathing. The Fannin County 911 center contacted the Georgia State Patrol (G.S.P.) central communications center in Gainesville and requested to have a Trooper investigate the collision.

**Trooper First Class (TFC) S. Matheson #650** was dispatched at 23:20 p.m. and arrived at 23:51 p.m. Upon TFC Matheson's arrival, he observed two vehicles being involved with this collision. A Ford F250 was facing west on the east side of the intersection. The other vehicle was a Ford Escape that was facing west on the west side of the intersection. TFC Matheson observed beer cans laying around the F250. TFC Matheson made contact with the driver of the F250 in the back of the ambulance. TFC Matheson identified the driver as Hunter Elliott. Mr. Elliott stated he had been drinking. TFC Matheson asked him if he was driving the F250. Mr. Elliott said he was not the driver, but the driver was his pregnant fiancé. Mr. Elliott stated that she was not coming back to the scene. TFC Matheson asked him where she was, so he could go find her. Mr. Elliott then stated that she was not driving that in fact he was the driver. This conversation was not recorded due to TFC Matheson's body mic not working properly. Mr. Elliott was in the ambulance being checked out due to the collision and a cut on his [REDACTED]. While talking to Mr. Elliott, TFC Matheson observed his eyes to be bloodshot and watery, and his speech was slowed and slurred. TFC Matheson also could smell a strong odor of an alcoholic beverage emitting from his breath. TFC Matheson asked Mr. Elliott if he would perform some standardized field sobriety evaluations and he agreed. TFC Matheson medically cleared Mr. Elliott for the Horizontal Gaze Nystagmus (HGN) evaluation and asked Mr. Elliott if he had any medical issues that would keep him from performing an eye evaluation. Mr. Elliott stated he was fine, and he would be willing to perform the evaluation. TFC Matheson explained HGN to Mr. Elliott and asked if he understood the directions. Mr. Elliott agreed. TFC Matheson observed that Mr. Elliott's eyes were watery, bloodshot, and to be brown in color. Mr. Elliott's pupils were observed to be equal in size and to track the stimulus. During the evaluation, Mr. Elliott had difficulty following directions by moving his head while following the stimulus and looking away from the stimulus all together. TFC Matheson observed six of the six possible clues with a vertical nystagmus. This evaluation was also conducted in the back of the ambulance away from flashing lights and while he was lying flat of his back. At this time, TFC Matheson directed the paramedics to inform him if they were to give him any medication and they transported Mr. Elliott to Fannin Regional Hospital.

While on scene of the accident, TFC Matheson observed that the black Ford F250 had well over 25 open Budweiser beer containers within reach of the driver. TFC Matheson

also was notified by Fannin County Sheriff's Deputies that there were four witnesses on scene. TFC Matheson spoke briefly with two of the witness's, while the Fannin County Deputies were retrieving statements. Witnesses Thomas Baker and Trenton Rhodes arrived on scene right after the collision. Both seen a male subject, later identified as Mr. Elliott with a grey shirt and red shorts run from the F250 down the hill on the south side of the intersection. They checked the F250 for other occupants. No other occupants were in the truck. They then ran after Mr. Elliott. When they got to the top of the hill, Mr. Elliott was coming back up the hill. Mr. Elliott told them that his buddy was driving. They observed that Mr. Elliott hurt his [REDACTED] when he jumped over the guardrail. Mr. Baker and Mr. Rhodes observed beer in the F250 and a strong odor of alcohol coming from inside. The witnesses will be discussed further later in this summary.

TFC Matheson was notified that the three occupants in the Ford Escape were transported to Fannin Regional Hospital as well. The driver, Santana Kelley and her front seat passenger, Joshua Bryson was then transported to Erlanger Hospital due to serious injuries. The left rear passenger, two-year-old Cohen Bryson was pronounced deceased at Fannin Regional Hospital.

TFC Matheson arrived on scene at Fannin Regional Hospital and used **Trooper First Class (TFC) B. Darsey #359's** body mic for his interview with Mr. Elliott in the hospital. When TFC Matheson was speaking with Mr. Elliott, he once again stated he was not the driver. Mr. Elliott stated he was not going to provide any more information. Due to the totality of circumstances, TFC Matheson placed Mr. Elliott under arrest for driving under the influence of alcohol. TFC Matheson confirmed Mr. Elliott's age to be above 21 years of age and read to him the Georgia Implied Consent Notice for suspects age 21 or over. TFC Matheson asked for a blood test and Mr. Elliott refused. At this time, TFC Matheson applied and received a search warrant for Mr. Elliott's blood to be drawn from his body for evidence, from the Fannin County Magistrate. Mr. Elliott had his blood drawn from his right arm on the March 16, 2020 at 01:42 am. TFC Matheson then placed Mr. Elliott in the back of his patrol car. Mr. Elliott asked how the other people where in the collision. TFC Matheson explained to Mr. Elliott that a two-year-old boy was pronounced deceased due to the collision and that the father and mother had received serious injuries. Mr. Elliott then began to tear up and stated he did not mean for this to happen. At approximately 01:50 am, TFC Matheson read Mr. Elliott his Miranda Rights. Mr. Elliott understood his rights and stated he would like to talk with me. Mr. Elliott then reiterated he was not the driver.

Mr. Elliott asked if he could speak with his family. TFC Matheson allowed Mr. Elliott's fiancé and his family to speak with him while he was in the back of his patrol car. Mr. Elliott's mom and fiancé can be heard asking him if he is ok. Mr. Elliott can be heard swearing at his mother and fiancé on video. Mr. Elliott asked his mom to bail him out of jail. Mr. Elliott continued to state that they have nothing on me and that they do not even know I was in the fucking vehicle. Mr. Elliott also appeared to shrug his shoulder's when his mother was talking about how he killed a two-year-old boy. Mr. Elliott told his fiancé multiple times to get the fuck out of here. Mr. Elliott stated, so I guess I am gone for life. His mom then said, Hunter it is your fault son. Do you realize what you have done to that

family? Mr. Elliott did not respond to that. Mr. Elliott told them that he was going to prison and he did not care.

When Mr. Elliott's family was finished talking, TFC Matheson transported him to the Fannin County Jail. During transport Mr. Elliott asked TFC Matheson if he could give him some leniency because he has a baby on the way. He stated that he was worried about the family, but he has loans to worry about. Mr. Elliott stated that his fiancé started driving but he dropped her off at her car prior to the collision. Mr. Elliott then said he started driving just before the collision. TFC Matheson asked him if he was on the phone and he stated yes to his fiancé.

TFC Matheson contacted the communications center in Gainesville and requested the on-call Specialized Collision Reconstruction Team member be notified of this collision. **Senior Trooper (S/TPR) A. Church #196** was notified and responded to the collision. Upon S/TPR Church's arrival, he was briefed on the status of the investigation and performed a walk-through of the collision scene. S/TPR Church took digital photographs of the roadway, roadway evidence, and final rest of the vehicles. S/TPR Church also marked the roadway evidence and final rest of the vehicles with orange and blue spray paint. On scene photos are included in the case file.

As is every motor vehicle collision, there are three (3) elements that must be addressed: The roadway, the vehicle(s), and the human factor. The first area to be addressed is the roadway element.

This collision took place at the intersection of Georgia 2 and Georgia 5. There is a traffic control device at this intersection. Georgia 2 is a four (4) lane roadway where this particular collision took place. The roadway is asphalt paved and appears to be in good condition. The roadway runs in a general east to west direction. The east and westbound lanes are separated by a left turning lane at this intersection. Painted white dashed lines separate the two lanes on each side of the roadway. Painted solid white fog lines bind the east and westbound lanes. The posted speed limit on this stretch of Georgia 2 is 55 miles per hour. TFC Phillips photographed the collision scene using a drone. TFC Phillips created an ortho mosaic using the aerial photographs in Pix4D. Copies of the drone photographs are included with this case file.

The next element to be addressed is the vehicle element.

The first vehicle to be addressed is a **2016 Ford F250**, grey in color, displaying a Georgia tag of **RRN3130**. A check of the license plate through the Georgia Crime Information Center (G.C.I.C.) indicates the vehicle is registered to **Hunter Ethan Elliott** of Blue Ridge, Georgia. The vehicle displayed a Vehicle Identification Number (V.I.N.) of **1FT7W2BT9GEC79140**. Mr. Elliott signed a consent form to inspect the F250. The vehicle was inspected by TFC Phillips, S/TPR Church, and **Corporal (CPL) J. Allison #591** on March 17, 2020 at Car Crafters Towing. A post collision form was completed which documents the post collision damage done to the vehicle. There was extensive damage to the front end of the F250. The front windshield was busted right in front of the

steering wheel. The windshield being busted like that is consistent with the driver not wearing a seatbelt. There were Budweiser cans everywhere in the F250. There was a Budweiser can in the driver's side cup holder. The vehicle make, year, and model, was checked through the National Highway Traffic Safety Administration (NHTSA) Recall website and found to have 0 possible recalls. CPL Allison imaged the data contained within the Ford's Airbag Control Module (ACM). The imaged ACM data showed that the driver's seatbelt was not buckled. The imaged ACM also showed five seconds of pre-crash data.

- 1) **At five (5) seconds** prior to airbag deployment, the vehicle's speed was **52 miles per hour**.
- 2) **At four (4) seconds** prior to airbag deployment, the vehicle's speed was **52 miles per hour**.
- 3) **At three (3) seconds** prior to airbag deployment, the vehicle's speed was **52 miles per hour**.
- 4) **At two (2) seconds** prior to airbag deployment, the vehicle's speed was **51 miles per hour**.
- 5) **At one (1) second** prior to airbag deployment, the vehicle's speed was **51 miles per hour**.

A copy of the data is included with this case file. The vehicle inspection revealed no mechanical defect or flaw that would have contributed to the proximate cause of this collision. A signed release form was completed releasing the vehicle back to the registered owner. The results of the inspection, photographs of the damage and the recall report are documented in this case file.

The second vehicle to be addressed is a **2008 Ford Escape**, blue in color, displaying a Georgia tag of **PRH3603**. A check of the license plate through the Georgia Crime Information Center (G.C.I.C.) indicates the vehicle is registered to **Santana Sheree Kelley** of Rome, Georgia. The vehicle displayed a Vehicle Identification Number (V.I.N.) of **1FMCU03178KA77952**. The Escape was inspected with a signed search warrant on March 17, 2020. The search warrant was signed by a Magistrate Judge in Fannin County. The vehicle was inspected by TFC Phillips, S/TPR Church, and CPL Allison on March 17, 2020 at Car Crafters Towing. A post collision form was completed which documents the post collision damage done to the vehicle. There was extensive damage to the rear end of the Escape. The damage was above the rear bumper. There was a forward-facing child seat directly behind the driver's seat. The child seat was installed properly. The shoulder and lap belt that secures the child seat to the vehicle was locked properly. The child seat was removed, photographed, and inspected. The vehicle make, year, and model, was checked through the National Highway Traffic Safety Administration (NHTSA) Recall website and found to have 0 possible recalls. The vehicle inspection revealed no mechanical defect or flaw that would have contributed to the proximate cause of this collision. A signed release form was completed releasing the vehicle back to the registered owner. The results of the inspection, photographs of the damage and the recall report are documented in this case file.

The third and final element to be addressed is that of the human factor. In this collision, it refers to the driver of the Ford F250, Mr. Hunter Elliott and the driver of the Ford Escape, Ms. Santana Kelley.

The first person to be addressed is the driver of the Ford F250, Mr. Elliott. Mr. Elliott was driving west on Georgia 2 when this collision occurred. Mr. Elliott had a suspended Georgia driver's license. As stated earlier in this report, Mr. Elliott was observed to have bloodshot and watery eyes. Mr. Elliott was emitting the odor of an alcoholic beverage from his breath. Mr. Elliott was read the Georgia implied consent notice for suspects over the age of 21 by TFC Matheson. TFC Matheson asked for a blood test and Mr. Elliott refused. TFC Matheson then got a signed search warrant for Mr. Elliott's blood by a Magistrate Judge in Fannin County. The blood draw was performed at Fannin Regional Hospital by Jennifer Norris at 1:42 am. The blood kit was sealed and delivered to the Georgia Bureau of Investigation's Crime lab for testing. A State of Georgia, DOFS Case #2020-8001443, was generated on Mr. Elliott, indicating the results of the blood submitted as follows:

**Ethyl Alcohol Result by Gas Chromatography: 0.252 (+/- 0.013) grams per 100 ML.**

A copy of the blood alcohol results is included with this case file. On March 17, 2020, TFC Phillips got a search warrant signed to take possession on Mr. Elliott's cell phone. The cell phone was located at the Fannin County Jail in bin #53. On April 22, 2020, TFC Phillips got a search warrant signed by a Magistrate Judge in White County to search the cell phone data. The cell phone data was extracted by GBI Agent Taylor Lawrence at the Region 8 field office on April 24, 2020. The results indicated that Mr. Elliott was on a phone call at the time of this collision. The phone call started at 11:11 pm. The results of the cell phone are included in this case file. Mr. Elliott was charged with the following offenses:

1. Driving under the influence of alcohol	40-6-391(A)(1-5)
2. Homicide by vehicle, first degree	40-6-393
3. Leaving the scene of an accident	40-6-270
4. 2 counts of Serious injury by vehicle	40-6-394
5. Driving while license suspended	40-5-121
6. Open container	40-6-253
7. Distracted driving	40-6-241
8. Reckless driving	40-6-390(A)
9. Following too closely	40-6-49
10. Glazing of windows (driver and passenger)	40-8-73.1
11. Improper exhaust system	40-8-71
12. Operating vehicle with altered suspension	40-8-6
13. Glazing of windows (front windshield)	40-8-73.1
14. Obstruction of an officer	16-10-24 (a)

The second driver to be addressed is the driver of the Ford Escape, Ms. Santana Kelley. Ms. Kelley was stopped at the red light on Georgia 2 at Georgia 5. Ms. Kelley was



stopped in the left westbound lane of Georgia 2. Ms. Kelley had a valid class C Georgia driver's license. Ms. Kelley was transported to Erlanger for serious injuries. Ms. Kelley was also pregnant.

The first passenger in the Ford Escape was 24-year-old Mr. Joshua Bryson was sitting the front passenger seat at the time of this collision. Mr. Joshua Bryson was transported for serious injuries.

The second passenger in the Ford Escape was 2-year-old Mr. Cohen Bryson. Mr. Cohen Bryson was sitting in a forward-facing child seat directly behind the driver. As stated earlier, the child seat was installed properly. Mr. Cohen Bryson was pronounced deceased at Fannin Regional Hospital. A copy of the Coroner's report for Mr. Bryson is attached to this case file.

Based on the analysis and review of the evidentiary materials, interviewing some of the driver's and witnesses involved in this collision, the following facts and conclusions are offered.

On March 15, 2020, a Ford Escape, driven by Ms. Kelley, was stopped in the left lane at the red light on Georgia 2 at Georgia 5. A Ford F250, driven by Mr. Elliott was traveling west on Georgia 2 in the left lane approaching the Escape. Mr. Elliott struck the Escape in the rear end. Both vehicles came to a final rest across the intersection in the eastbound lanes. Mr. Elliott then backed the F250 up and fled the scene on foot. Mr. Elliott fell on the guardrail and cut his [REDACTED] while fleeing. Multiple witnesses stated that beer cans were all in the F250. Two of the witnesses ran after Mr. Elliott. Mr. Elliott eventually came back toward the scene where he gave multiple excuses as to who was driving his vehicle. The witnesses stated that nobody else got out of the F250 but Mr. Elliott. By the on-scene and inspection photographs, it is seen that the F250 is filled with so much stuff that no passenger could ride comfortably other than the driver. Mr. Elliott had bloodshot and watery eyes. Mr. Elliott agreed to standardized field sobriety. During HGN, TFC Matheson got 6 out of 6 clues. TFC Matheson read Mr. Elliott the Georgia implied consent notice for suspects over the age of 21. Mr. Elliott refused the blood test. TFC Matheson got a search warrant for Mr. Elliott's blood signed by a Magistrate Judge in Fannin County. The blood draw was performed, and the results were a BAC of 0.252. Ms. Kelley and Mr. Joshua Bryson were transported and treated for serious injuries. Mr. Cohen Bryson was pronounced deceased at Fannin Regional Hospital.

In conclusion, it can be stated the proximate cause of this collision is Mr. Hunter Elliott operated his vehicle in a reckless and an unsafe manner while under the influence of alcohol. Mr. Elliott's actions were the direct result in the death of Cohen Bryson.



TFC2 A.  #425

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TFC3 A. Phillips #425

Georgia State Patrol

Specialized Collision Reconstruction Team

Gainesville, Georgia